

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GABRIEL G. RAMIREZ,

Plaintiff,

v.

DANE COUNTY, WISCONSIN, DEPUTY SETH J.
WOLLENZIEN, DEPUTY BRAIN C. RILEY, DEPUTY
MICHAEL A. HAURE, CORRECT CARE
SOLUTIONS, LLC, NURSE SHANNON, B.
WIERSMA, STEPHANIE RIOS, and JOHN/JANE
DOE(S),

ORDER

20-cv-1027-wmc¹

Defendants.

In response to my order, pro se plaintiff Gabriel G. Ramirez filed a supplement alleging that former defendants Brandon and Wiedenfeld used excessive force on him. Dkt. 21. I will reinstate Brandon and Wiedenfeld and allow Ramirez to proceed on an Eighth Amendment excessive force claim against them because Ramirez contends that they directly participated in the incident in which Ramirez was allegedly choked while in a restraint chair. *See id.* at 1–2; *see also* Dkt. 14 at 4, 13–14. I will allow Ramirez to proceed on the supplement’s allegation that Brandon and Wiedenfeld failed to intervene in the alleged assault because Ramirez contends that they “refused to tell other deputies to stop choking [him] . . . and did nothing else to stop them from assaulting [him].” *See* Dkt. 21 at 2; *see also Harper v. Albert*, 400 F.3d 1052, 1064 (7th Cir. 2005) (“[O]fficers who have a realistic opportunity to step forward and prevent a fellow officer from violating a plaintiff’s right[s] through the use of excessive force but fail to do so may be held liable [on a failure-to-intervene theory].”).

¹ I am exercising jurisdiction over this case for screening purposes only.

ORDER

IT IS ORDERED that:

1. Plaintiff Gabriel G. Ramirez is GRANTED leave to proceed on an Eighth Amendment excessive force claim against Ryan P. Brandon and Melissa A. Wiedenfeld.
2. Plaintiff is GRANTED leave to proceed on an Eighth Amendment excessive force claim against Brandon and Wiedenfeld on a failure-to-intervene theory.
3. Brandon and Wiedenfeld are to be reinstated as defendants.
4. The clerk of court is directed to ensure that the United States Marshals Service serves defendants with a copy of plaintiff's second amended complaint, Dkt. 13, and this order. Plaintiff should not attempt to serve defendants on his own at this time.
5. The clerk of court is directed to send plaintiff a copy of this order.

Entered May 4, 2023.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge